

Michigan Compiled Laws: Complete Through PA 332 of 2000

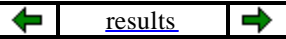
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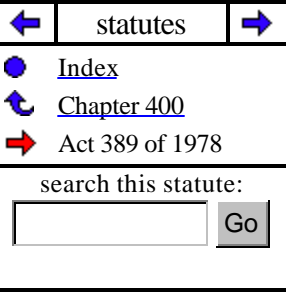
Main Functions



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DOMESTIC VIOLENCE

Act 389 of 1978

AN ACT to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency.

History: 1978, Act 389, Eff. Oct. 1, 1978 ;--Am. 2000, Act 84, Eff. July 1, 2000 .

Popular Name: Domestic Violence Prevention and Treatment Act

The People of the State of Michigan enact:

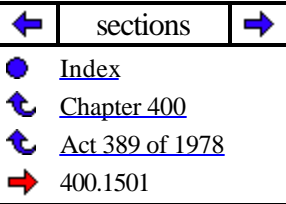
Document	Type	Description
400.1501	Section	Definitions.
400.1502	Section	Domestic violence prevention and treatment board; creation; appointment, qualifications, and terms of members; vacancy; chairperson; quorum; compensation and expenses.
400.1503	Section	Conducting business at public meeting; notice; availability of certain writings to public.
400.1504	Section	Powers and duties of board; staff.
400.1505	Section	Domestic violence prevention and treatment fund; establishment; administration; criteria and conditions for awarding grants or contracts.
400.1506	Section	Grants or contracts for support of local programs; application by prime sponsor; agreement as condition to award or contract; cost of programs and services; limitation on amount received.
400.1507	Section	Shelter program; funds for establishment; emergency shelter;

services.

<u>400.1508</u>	Section	Awarding grant or contract; preference; consideration of needs; equitable funding.
<u>400.1509</u>	Section	Evaluation of programs and services.
<u>400.1510</u>	Section	Agreements for receipt of funds.
<u>400.1511</u>	Section	Repealed. 1982, Act 383, Eff. Mar. 30, 1983.

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400.1501 Definitions.

Sec. 1. As used in this act: (a) “Board” means the domestic violence prevention and treatment board created in section 2.

(b) “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(c) “Department” means the family independence agency.

(d) “Domestic violence” means the occurrence of any of the following acts by a person that is not an act of self-defense: (i) Causing or attempting to cause physical or mental harm to a family or household member.

(ii) Placing a family or household member in fear of physical or mental harm.

(iii) causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress.

(iv) Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(e) “Family or household member” includes any of the following: (i) A spouse or former spouse.

(ii) An individual with whom the person resides or has resided.

(iii) An individual with whom the person has or has had a dating relationship.

(iv) An individual with whom the person is or has engaged in a sexual relationship.

(v) An individual to whom the person is related or was formerly related by marriage.

- (vi) An individual with whom the person has a child in common.
- (vii) The minor child of an individual described in subparagraphs (i) to (vi).
- (f) “Fund” means the domestic violence prevention and treatment fund created in section 5.
- (g) “Prime sponsor” means a county, city, village, or township of this state, or a combination thereof, or a private, nonprofit association or organization.

History: 1978, Act 389, Eff. Oct. 1, 1978 ;--Am. 2000, Act 84, Eff. July 1, 2000 .

Popular Name: Domestic Violence Prevention and Treatment Act

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400.1502 Domestic violence prevention and treatment board; creation; appointment, qualifications, and terms of members; vacancy; chairperson; quorum; compensation and expenses. [M.S.A. 16.611(2)]

Sec. 2. (1) The domestic violence prevention and treatment board is created in the department. The board shall consist of 7 members, all of whom shall have experience in an area related to the problems of domestic violence. The members shall be appointed by the governor with the advice and consent of the senate.

(2) The term of office of a member shall be 3 years, except that: of the members first appointed, 2 shall serve for a term of 1 year, 2 shall serve for a term of 2 years, and 1 shall serve for a term of 3 years; and of the 2 additional members appointed under this 1979 amendatory act, 1 shall serve for a term of 2 years and 1 shall serve for a term of 3 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.

(3) The governor shall designate 1 member of the board to serve as chairperson. A majority of the members shall constitute a quorum.

(4) The per diem compensation of the board and the schedule for reimbursement of expenses shall be established annually by the legislature.

History: 1978, Act 389, Eff. Oct. 1, 1978 ;--Am. 1979, Act 127, Imd. Eff. Oct. 26, 1979 .

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400.1503 Conducting business at public meeting; notice; availability of certain writings to public. [M.S.A. 16.611(3)]

Sec. 3. (1) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections [15.261](#) to [15.275](#) of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections [15.231](#) to [15.246](#) of the Michigan Compiled Laws.

History: 1978, Act 389, Eff. Oct. 1, 1978 .

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400.1504 Powers and duties of board; staff. [M.S.A. 16.611(4)]

Sec. 4. The department shall provide staff to enable the board to carry out the following powers and duties: (a) Coordinate and monitor programs and services funded under this act for the prevention of domestic violence and the treatment of victims of domestic violence.

(b) Develop standards for the implementation and administration of services and procedures to prevent domestic violence and to provide services and programs for victims of domestic violence.

(c) Provide planning and technical assistance to prime sponsors for the development, implementation, and administration of programs and services for the prevention of domestic violence and the treatment of victims of domestic violence.

(d) Conduct research to develop and implement effective means for preventing domestic violence and treating victims of domestic violence.

(e) Provide assistance to the department of state police in developing a system for monitoring and maintaining a uniform reporting system to provide accurate statistical data on domestic violence.

(f) Coordinate educational and public informational programs for the purpose of developing appropriate public awareness regarding the problems of domestic violence; encourage professional persons and groups to recognize and deal with problems of domestic violence; to make information about the problems of domestic violence available to the public and organizations and agencies which deal with problems of domestic violence; and encourage the development of community programs to prevent domestic violence and provide services to victims of domestic violence.

(g) Study and recommend changes in civil and criminal procedures which will enable victims of domestic violence to receive equitable and fair treatment under the law.

(h) Advise the legislature and governor on the nature, magnitude, and priorities of the problem of domestic violence and the needs of victims of domestic violence; and recommend changes in state programs, statutes, policies, budgets, and standards which will reduce the problem and improve the condition of victims.

History: 1978, Act 389, Eff. Oct. 1, 1978 .

Popular Name: Domestic Violence Prevention and Treatment Act

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400.1505 Domestic violence prevention and treatment fund; establishment; administration; criteria and conditions for awarding grants or contracts. [M.S.A. 16.611(5)]

Sec. 5. The domestic violence prevention and treatment fund is established within the department. Subject to the approval of the board, the department shall administer the fund for the purposes described in this act and shall establish qualifying criteria for awarding grants or contracts under section 6 and may specify conditions for each grant or contract.

History: 1978, Act 389, Eff. Oct. 1, 1978 .

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400.1506 Grants or contracts for support of local programs; application by prime sponsor; agreement as condition to award or contract; cost of programs and services; limitation on amount received. [M.S.A. 16.611(6)]

Sec. 6. (1) Subject to the approval of the board, the department may award a grant or enter into a contract, using money in the fund, for the support of local programs designed to do any of the following: (a) Establish or maintain a shelter program as provided in section 7.

(b) Develop and establish a training program for persons engaged in areas related to the problems of domestic violence.

(c) Develop and implement effective means for the prevention and treatment of domestic violence.

(2) A prime sponsor that desires to receive a grant from, or to enter into a contract with, the department shall make application in the manner prescribed by the department.

(3) The department shall not award a grant to a prime sponsor or enter into a contract with a prime sponsor, unless the prime sponsor agrees that the state share, including federal money, payable for programs and services financed with state or federal money received under the authority of this act shall not exceed 75% of the total cost of the domestic violence prevention and treatment programs and services provided by that prime sponsor during the term of the award or contract. The total cost of programs and services may include the fair market value of in-kind contributions received by a prime sponsor. A prime sponsor shall not receive more than \$75,000.00 in state general fund-general purpose appropriations under this act during a fiscal year.

History: 1978, Act 389, Eff. Oct. 1, 1978 ;--Am. 1986, Act 101, Eff. Oct. 1, 1986 ;--Am. 1990, Act 225, Imd. Eff. Oct. 8, 1990 ;--Am. 1993, Act 8, Imd. Eff. Mar. 24, 1993 .

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400.1507 Shelter program; funds for establishment; emergency shelter; services. [M.S.A. 16.611(7)]

Sec. 7. (1) A prime sponsor may receive funds under this act to establish or maintain a shelter program for victims of domestic violence and their dependent children. Emergency shelter may be provided directly at a facility operated by the prime sponsor or indirectly at transient or residential facilities available in the community. A shelter program shall either provide not less than 3 of the following services or assist the victim in obtaining information and referral services to not less than 3 of the following services: (a) Crisis and support counseling for victims of domestic violence and their dependent children.

(b) Emergency health care services.

(c) Legal assistance.

(d) Financial assistance.

(e) Housing assistance.

(f) Transportation assistance.

(g) Child care services.

(2) To the extent possible, a prime sponsor which establishes a shelter program under this section shall utilize services provided by county community mental health programs established under chapter 2 of Act No. 258 of the Public Acts of 1974, as amended, being sections [330.1200](#) to [330.1246](#) of the Michigan Compiled Laws.

History: 1978, Act 389, Eff. Oct. 1, 1978 .

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400.1508 Awarding grant or contract; preference; consideration of needs; equitable funding. [M.S.A. 16.611(8)]

Sec. 8. (1) In awarding a grant or contract under this act, the department and board shall give preference to a prime sponsor which establishes domestic violence emergency shelter services utilizing voluntary personnel or available community resources.

(2) In awarding a grant or contract under this act, the department and board shall consider the needs of the people residing throughout the state and shall provide for the equitable, statewide funding of programs for the prevention of domestic violence and the treatment of victims of domestic violence.

History: 1978, Act 389, Eff. Oct. 1, 1978 .

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400.1509 Evaluation of programs and services. [M.S.A. 16.611 (9)]

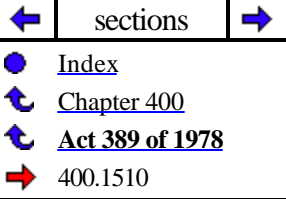
Sec. 9. The department annually shall evaluate the domestic violence prevention and treatment programs and services provided by a prime sponsor which is awarded a grant or contract under this act. The evaluation shall include a description of the programs and services provided, an analysis of the effectiveness of the programs and services, and an accounting of the use of state funds for the programs and services.

History: 1978, Act 389, Eff. Oct. 1, 1978 .

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400.1510 Agreements for receipt of funds. [M.S.A. 16.611(10)]

Sec. 10. The department may enter into agreements with the federal government or private foundations, trusts, or other legal entities for the receipt of funds consistent with this act.







History: 1978, Act 389, Eff. Oct. 1, 1978 .

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400.1511 Repealed. 1982, Act 383, Eff. Mar. 30, 1983. [M.S.A. 16.611(11)]

Compiler's Note: The repealed section contained effective date and expiration provisions.
